WJLiebeler/sub

INV 9

MEMORANDUM

August 23, 1964

To: J. Lee Rankin

From: Wesley J. Liebeler

Messrs. Griffin and Slawson and I raise questions covering the palmprint which Lt. Day of the Dallas Police Department testified he lifted from the underside of the barrel of the M-1 rifle on November 22, 1963. That story is set forth on pages 7-10 of the proposed final draft of Chapter IV of the Report, copies of which are attached.

We suggest that additional investigation be conducted to determine with greater certainty that the palmprint was actually lifted from the rifle as Lt. Day has testified. The only evidence we presently have on that point is the testimony of Lt. Day himself. He has stated that although he lifted the palmprint on November 22, 1963, he did not provide a copy of the lift to the FBI until November 26, 1963 (3 H 260-61). He also testified that after the lift he "could still see traces of the print under the lens and was going to try to use photography to bring off or bring out a better print." Mr. Latona of the FBI testified with respect to the lift of the palmprint, that "evidently the lifting had been so complete that there was nothing left to show any markings on the gun itself as to the existence of such--even an attempt on the part of anyone else to process the rifle" (Id. at 24).

Additional problems are raised by the fact that:

1) Mr. Latona testified that the poor finish of the M-1 rifle made it absorbent and not conducive to getting a good print;

2) None of the other prints on the rifle could be identified because they were of such poor quality;

3) The other prints on the rifle were protected by cellophane while the area where the palmprint had been lifted was not, even though Lt. Day testified that after the lift the "display print on gun and their book was still resting on there," when he was asked why he had not released the lift to the FBI on November 27, 1963.

cc: Mr. Willens
Mr. Liebeler
Mr. Slawson

We should review the above circumstances at our conference with Agent Latona and Inspector Malley. The configuration of the palmprint should be reviewed to determine, if possible, whether or not it was removed from a cylindrical surface. The possibility that the palmprint or evidence of the lift was destroyed while the rifle was in transit should be reviewed with them. The exact condition of the rifle at the time it was turned over to the FBI Dallas office should be ascertained. Agent Latona should be asked if he can think of any explanation for the apparent conflict in the above testimony.

We should also:

1) Determine whether or not Lt. Day had assistance when he worked with the prints on the rifle. If he did, we should obtain statements from those who assisted him.

2) Lt. Day should be asked why he preserved the fingerprints on the rifle, which were sufficiently clear to make positive identification, and yet did not preserve the palmprint, which was clear enough for that purpose.

3) Lt. Day should also be asked why he removed only the palmprint and should be requestioned covering his recollection that he saw the palmprint still on the rifle after he made the lift.

4) Lt. Day should be asked if he took any photographs of the palmprint on the rifle after the lift. He may have done so, since he did photograph the less valuable fingerprints, and the palmprint on the rifle, according to his testimony, was still the "best bet" for identification. It is also significant that Lt. Day stated that he was going to attempt to get a better print through use of photography.

Bailey J. Kimbrick

Attachment